

APPROVED: Meeting No. 37-87

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 35-87

August 24, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, August 24, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In Attendance: City Clerk Helen Heneghan, Acting City Manager Robert Goodin, and Assistant City Attorney Frank Lacey.

Re: Invocation

The invocation was given by Mr. Robert Goodin, Acting City Manager.

Re: City Manager's Report

Acting City Manager Robert Goodin reported the following:

1. The street cleaning program began in the central business district August 17th. Residential street sweeping will begin in September.
2. The smooth seal contract will begin Thursday of this week. A listing of the streets that will be coated was in the July 30th issue of Rockville Reports.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. At the Pan-Am Games, Norman Bellingham of Rockville won a gold medal for kayak competition and in the swimming contests, Mike Barrow won a silver medal and

Susan Haberman won a gold medal.

2. During the Mayor and Council recess, an official delegation will be visiting the sister city of Pinneberg, West Germany, in celebration of the 30th anniversary of the sister city program.

3. A large thank-you to the staff who worked on the volunteer appreciation night that was attended by close to 400 people. Recreation Department Director Greg Bayor, Bob Geisy, Betty Wisda, John Hayes, Mike Critzer and Betty Farrel worked to make the evening a great success.

4. Today, the Red Barn at 114 Frederick Avenue was demolished. Councilmembers Abrams and Duncan attended, as did members of the community, and assisted in putting the sledge hammer to the building.

5. On August 13th, a meeting was held with the State Highway Administration, staff and a representative from the Lincoln Park community to review the perimeters of the state's study on the Lincoln Park access. The report is due in November or December and could cost upwards of \$100,000.00. A large thank-you is due to the state.

6. On September 13th, the first employee picnic will be held. The same day, there will be a celebration of National Grandparents Day at the Senior Center from 2:00 p.m. to 4:00 p.m. This event will be sponsored by the City and the Community Ministry Association.

7. There will be a ribbon cutting ceremony to celebrate the completion of Key West Avenue at Shady Grove tomorrow at 10:30 a.m.

8. Alec Harris, reporter for The Chronicle, is attending his last council meeting tonight. Mr. Harris is the senior press representative at City Hall and he will be going to Chicago to join the family business.

9. On September 2nd, the Magna Carta Exhibit will open in Courthouse Square. There will be many historic artifacts. A proclamation will be done later this evening to celebrate the event.

10. The entire Mayor and Council regretted the distribution of the hate/violence material in the Plymouth Woods subdivision of the City. The Mayor read some of the misleading information that is contained in this brochure. The Council expressed its distress over such an event and also the fact that some newspapers highlight the perpetrator instead of condemning the incident. The Council agreed with the Mayor that the City should take an active role in mobilizing the Rockville community by including such groups as the Anti Defamation League, the state and county Human Relations and the NAACP under the auspices of the City's Human Right's Commission to stop these events from occurring. Staff will return with recommendations to the Mayor and Council. In the meantime, the City Attorney will give an opinion to the Mayor and Council on first amendment infringement.

Re: Council's Report

Councilman Duncan showed the audience a piece of the wall, a souvenir of the Red Barn. He said it was a great event and that about 100 people from the community watched. Mayor Van Grack noted that it was a minority contractor that razed the building.

Re: Appointments

Mayor Van Grack made the following appointments with the confirmation of Council:

Rockville Senior Citizens, Inc. - Rosalie Campbell
Bernard Shannon
William Miller

Supervisors of the Board of Elections - Maurice Ward - All terms extended to 6/91
Alice Lyon
Paula D. Porpilia
Raymond Sherbill

Cultural Arts Commission - John Tyner, re-appoint, Chairman
1 year term

Councilman Coyle commented on the excellent leadership that John Tyner has shown to the Cultural Arts commission in his year of chairmanship.

Re: Proclamation: To
Celebrate the
Bicentennial of the
Constitution and
Welcome the Magna Carta
Exhibit

There being no objection from the Council, Mayor Van Grack proceeded to issue a proclamation welcoming the Magna Carta Exhibit to Rockville. The Mayor read the proclamation in which it was urged that all citizens take this opportunity to view these important documents and rededicate themselves to the causes of liberty. Mr. William Plunkett, Executive Director of the Montgomery County Historical Society, accepted the proclamation on behalf of the citizens.

Re: Citizen's Forum

The Mayor opened the meeting to all those citizens who wished to address the Mayor and Council.

1. John Tyner, 5911 Halpine Road, thanked the Mayor and Council for his re-appointment to the Cultural Arts Commission. Mr. Tyner noted that the Mayor and Council had been given a packet of information on recommendations for Art in Public Places Implementation and he asked that the Mayor and Council might consider it this evening under New Business. Mr Tyner also suggested that when the visitors come from Pinneberg, West Germany, they might consider selecting a site in Rockville where they could exhibit a work of art from Germany, selected by them through a competitive process. Councilman Hartogensis noted that an exhibit in Pinneberg of Rockville art might be appropriate also. Councilman Abrams requested that the selection of Art in Public Places item brought forward by Mr. Tyner be placed on the Mayor and Council agenda at its next meeting so that the Council would have a chance to familiarize themselves with the material. Councilman Duncan agreed. It

was the consensus of the Mayor and Council to place the item on the September 14th agenda. Councilman Abrams asked if the models could be left for the Mayor and Council to view.

2. Debra Kafami, Congressional Towers Apartments, addressed the Council and asked that the Mayor and Council consider rent control in Rockville, since the price of decent housing is skyrocketing and there is at the present, no way to protect tenants from unscrupulous landlords. The Council thanked Ms. Kafami for coming this evening and asked the staff to procede with gathering the material from other landlords so that the Mayor and Council can receive a full report.

There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Introduction of
Ordinance: To Grant
Text Amendment
Application, T-84-87,
Peter S. Glassman,
D.V.M., Applicant, (to
permit veterinary
clinics in various
industrial and
commerical zones)

On motion of Concilman Abrams, there was introduced upon the table an ordinance to grant Text Amendment T-84-87, to allow veterinary clinics in various industrial and commercial zones, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Ordinance:
To Grant Street Closing
and Abandonment
Application SCA-52-87,
Tower-Dawson Limited
Partnership, Applicant.

Ordinance No. 16-87

On motion of Councilman Abrams, duly seconded and unanimously passed,
Ordinance No. 16-87, the full text of which can be found in Ordinance Book No. 13 of

the Mayor and Council, granting street closing and abandonment application SCA-52-87, Tower-Dawson Limited Partnership, Applicant, was approved by the Mayor and Council.

Re: Introduction of
Ordinance: To Amend
Chapter 4, of the "Laws
of Rockville", entitled
"Election", to clarify
provisions and correct
technical errors.

On motion of Councilman Abrams, there was introduced upon the table an ordinance amending Chapter 4, of the "Laws of Rockville", entitled "Elections", to clarify provisions and correct technical errors, said ordinance to lay over for at least one week.

Re: Approval of SWM Waiver
Request #21-87 for an
Industrial Building at
569 Southlawn Lane, U-
367-86.

This 0.7 acre parcel is located at the corner of Southlawn Lane and Lofstrand Lane in the Rock Creek drainage area. The site is currently a vacant lot. The developer proposes to construct an industrial building and parking lot.

Owner: Michel Real Estate Partnership, Baltimore, Maryland
Developer: Modern Buildings, Inc., Lynchburg, Virginia
Intended Use: Approved for warehousing and wholesaling of heating
and air conditioning equipment and parts.

The proposed development will result in 0.48 acres of imperviousness. On-site methods of SWM were considered. The soils on this site are not suitable for infiltration. An on-site detention method using underground storage in underground pipes was considered but was not practical because of numerous engineering problems.

The runoff from this site enters an enclosed storm drain system and is conveyed by storm drains to the proposed Maryvale SWM facility which is currently under design.

Staff recommends that a waiver be granted and that a contribution of \$9,600 (0.48 impervious acres at \$20,000 per acres) be accepted toward the City off-site SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed, the request for SWM Waiver #21-87 was granted by the Mayor and Council.

Re: Award of Contract:
Storm Water Management
Engineering Contract

The City previously selected the firm of Engineering Technologies Associates, Inc. (ETA) to perform a two phase engineering and hydrologic analysis of the City's entire Watts Branch and Cabin John Drainage sheds. A previous contract, awarded in March 1987, covered Phase I.

The purpose of the study is to investigate the City's stream valleys with the objective of creating a master plan of storm water management facilities to ensure compliance with state laws governing sediment control and water quality. It is also to ensure providing the most cost effective and functionally efficient system possible.

Following initial discussions with the consultant, the staff made a recommendation to the City Manager to proceed on the basis of a two phase approach. A contract with ETA was executed and the work under Phase I completed. The cost was \$12,766.00. The actual work, in addition to the above described research, included preparation of computer analysis information, drainage area maps and preliminary field evaluation of stream channels for the Cabin John Creek and Watts Branch Drainage areas.

The Engineer's cost proposal for this contract is in the amount of \$52,340.88. The study will require approximately six months to complete.

Staff recommends the contract be awarded to ETA in the amount of their proposal of \$52,340.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Engineering Analysis Contract was awarded to Engineering Technologies Associates, Inc. in the amount of \$52,340.00.

Re: Award of Contract: Bid
#14-88, Computer
Maintenance

On July 20, 1987, the City issued a Request for Proposals for maintenance of its Hewlett-Packard computer equipment. Proposals for two categories of maintenance were requested: Hardware maintenance for the City's Hewlett-Packard HP3000 minicomputer, terminals, micro computers and micro printers; and systems software maintenance for the City's HP3000 computing environment. The RFP stated that it was the City's preference to award both categories of maintenance to one organization but the City reserved the right to split the award should it be in its interest to do so.

Responses were received from two firms: Hewlett-Packard of Rockville, Maryland and Atlantic Tech Services of Gaithersburg, Maryland.

The tallying results gave the highest total, 94.23 points, to Atlantic Tech Services which was the low bidder. Atlantic's total price proposal was \$26,090 as compared to Hewlett-Packard's proposal of \$34,710.

Staff recommends that the Mayor and Council authorize the City Manager to enter into a contract with Atlantic Tech Services for hardware and software computer maintenance pursuant to Request for Proposals #14-88.

On motion of Councilman Abrams, duly seconded and unanimously passed, bid #14-88 was awarded to Atlantic Tech Services for hardware and software computer maintenance.

Re: Award of Contract: Bid
#9-88, Gas
Chromotograph

The Water Treatment Plant is required by the Safe Drinking Water Act to test and monitor for the presence of a number of contaminants in drinking water. A gas

chromatograph is necessary to perform the required testing and monitoring.

Bids were solicited from 15 companies. The Invitation for Bids were opened at 2:30 p.m. on Friday, August 14, 1987.

The following two bids, which meet and exceed the specifications, were received:

COMPANY	COSTS
Perkin-Elmer Corporation Rockville, Maryland	\$33,301.55
Tracor Instruments Austin, Inc. Austin, Texas	\$33,445.00

The Budget Estimate was \$34,000.00.

Varian Associates, Inc. of Austin, Texas, submitted a bid that does not contain the CRT screen, electron capture detector, automatic bleed compensation, and is a single method, rather than the specified multiple method, gas chromatograph. Therefore, their bid must be disqualified as not meeting specifications.

Staff recommends that Perkin-Elmer Corporation be awarded the contract to provide the Gas Chromatograph and Spare Parts in the amount of thirty-three thousand three hundred and one dollars and fifty-five cents (\$33,301.55).

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #9-88 for a gas chromatograph and spare parts was awarded to Perkin-Elmer Corporation in the amount of \$33,301.55.

Re: Approval of
Administrative
Regulations (as
amended) to permit on-
street parking of
oversized vehicles.

Councilman Coyle asked why these were being reviewed this evening. Staff explained that the permit regulations had to be expanded so that the address on the permit had to be the same as the driver of the vehicle. In that way, people could

not obtain permits to park in residential areas other than where they reside.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Administrative Regulations (as amended) to permit on-street parking of oversized vehicles were approved by the Mayor and Council.

Re: Introduction of Resolution: To Amend Section 4 of Article VIII of the Charter of the City of Rockville, to add a new section 5 to Article VIII and to renumber Sections 5, 6, 7 and 8 of Article VIII so as to provide that the Mayor and Council may provide by ordinance for appointments and promotions in the classified civil service on the basis of merit and fitness; to provide for a civil service which will consist of both a merit system and a non-merit system and provide a mechanism whereby the following offices and positions may be placed in the non-merit service by resolution of the Mayor and Council: 1) Heads of all departments; 2) The Assistant to the City Manager; 3) The Administrative Assistant to the City Manager; 4) Deputy Police Chief; 5) Senior Budget Analyst; 6) All members of information Systems Division; 7) Golf Course Superintendent; 8) Assistant Golf Course Superintendent; 9) Assistant Director of Finance; 10) Administrative Assistant to the Director of Recreation and Parks 11) Landscape Architect; 12) Aquatic Facility Manager (evening and weekend); 13) Public Information Officer; and 14) part-time, temporary and unpaid offices and positions and to provide that all other employees are part of the merit service except those positions appointed by the Mayor and Council.

On motion of Councilman Abrams, there was introduced upon the table, a resolution to amend the charter of the city, to add a new section 5 to article VIII and to renumber Section 5, 6, 7 and 8 of Article VIII so as to provide that the Mayor and Council may provide by ordinance for appointments and promotions in the classified civil service on the basis of merit and fitness; to provide for a civil service which will consist of both a merit system and a non-merit system and provide a mechanism whereby offices and positions may be placed in the non-merit service by resolution of the Mayor and Council. A public hearing will be held on September 28, 1987.

Re: Introduction of
Ordinance: To Amend
Chapter 3 of the "Laws
of Rockville", entitled
"Personnel
Regulations", to
provide for the
creation of both a
merit and non-merit
civil service system.

On motion of Councilman Hartogensis there was introduced upon the table an ordinance amending Chapter 3 of the "Laws of Rockville", entitled "Personnel Regulations", to provide for the creation of both a merit and non-merit civil service system. A public hearing will be held on September 28, 1987.

Re: Introduction of
Resolution: To
Establish certain Civil
Service positions as
non-merit positions.

On motion of Councilman Abrams there was introduced upon the table a resolution to establish certain Civil Service positions as non-merit positions. A public hearing will be held on September 28, 1987.

Re: Introduction of
Resolution: To Enlarge
the corporate
boundaries of the City
by the addition of
3.04155 acres, north
side of I-270, near
Montrose, X-102-87.

On motion of Councilman Hartogensis there was introduced upon the table a resolution to enlarge the corporate boundaries of the City by the addition of 3.04155 acres. A public hearing will be held on December 7, 1987. At the same time, the Mayor and Council will consider placing the property in the RS zone.

Re: Adoption of
Resolution: To set
public hearing date for
the annexation of
3.04155 acres of land,
X-102-87.

Resolution No. 21-87

On motion of Councilman Abrams, duly seconded and unanimously passed,
Resolution No. 21-87, the full text of which can be found in Resolution Book No. 8,
was adopted by the Mayor and Council setting the public hearing date of the
annexation of 3.04155 acres of land for December 7, 1987.

Re: Award of Cooperative
Bid - Council of
Governments - #2
Heating Oil - Fairfax
County Lead
Jurisdiction Bid
#80011120

On motion of Councilman Duncan, duly seconded and unanimously passed the award
was made in conformance with the Council of Government awards to Stewart Petroleum
10001.83 and G and F Petroleum Sales 19222.50. Councilman Abrams asked if the
staff would give the Mayor and Council data to compare the saving on this purchase
with the amount of dues.

Re: FYI/Correspondence

1. Councilman Coyle asked that the staff continue to monitor the state
highway activities in the vicinity of the Falls Road interchange where trailers are
set up for workers to spend the night, since there had been a problem a few weeks
ago and police had to be called in.

2. Councilman Duncan noted that the Mayor and Council continues to receive
letters on the annexation X-101-87. He asked that all letters be made part of the
record. City Clerk Helen Heneghan confirmed that this action is being taken.

Re: New Business

1. Councilman Abrams reported to the Council that he met with Election Consultant Marie Garber, and that a meeting was held at Councilman Abrams suggestion between election officials and Stanley Klein to work out a means of producing a system that will work for this election. Mr. Klein is quite satisfied with the Board of Supervisors of Elections decision. He suggested that when the sample ballot is sent out to all of the voters, it include a candidates statement. The Mayor and Council discussed this and the suggestions of the Clerk concerning T.V. debates and T.V. spots for the candidates. The items will be brought before the Board of Supervisors of Election for their recommendation and then brought back to the Mayor and Council.

2. Councilman Hartogensis asked if the "Welcome To Rockville" signs will be in place October 9, 1987, when the visitors will be coming from Pinneberg. He suggested that the most important entrances to the City not be excluded from the placement of signs and the Sister City Committee should comment before the signs are finally put in place.

3. Councilman Duncan noted that he had approached the members of Council to include the City Clerk as part of the official delegation to Pinneberg, and to the best of his knowledge, he had their agreement. The Mayor and Council agreed the City Clerk should attend the meeting in Pinneberg.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the minutes of Meeting No. 9-87, February 23, 1987, were approved by the Council as corrected.

On motion of Councilman Duncan, duly seconded and uanimously passed, the minutes of Meeting No. 34-87, August 10, 1987, were approved as written.

Councilman Hartogensis complimented the City Clerk on the minutes.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 9:30 p.m., to convene again in general session at 8:00 p.m. on Monday, September 14, 1987, or at the call of the Mayor.